

GOVERNMENT OF ANDHRA

PRADESH

ABSTRACT

SUITS - A.P.A.T. - O.A. No. 4630/03 filed by Sri G. Subba Rao, Electrician & 5 others of P.W.D. Work Shop, Seethanagaram, Guntur District - Extension of pay scale of Rs. 1010 - 1800 for possessing genuine I.TI. certificates in terms of G.O. Ms. No. 288, Finance (PC.I) Department, dt. 17-11-1986 - Orders - Issued.

**IRRIGATION & COMMAND AREA DEVELOPMENT (Ser. V)
DEPARTMENT.**

G.O. Ms. No. _____

Dated: 7

-5-2008.

Read the following:-

- 1) From the Engineer-in-Chief (MW), Hyderabad, Lr. No. C3/1943/03/O.A. No. 4630/03, Dt. 31-5-2005.
- 2) Govt. Memo. No. 110796/Ser. V (3)/2003-7, Dt. 30-8-2005.
- 3) From the Commissioner of Employment & Training, A.P. Hyderabad, Lr No. 23/8068/05, dt. 31-5-2006.
- 4) Govt. Memo. No. 110795/Ser. V(3)/2003-9, Dt. 20-6-2006.
- 5) From the Commissioner for Planning & Development of Godavari Basin, Hyderabad, Lr. No. C3/1943/03, Dt. 17-7-2006..
- 6) Govt. Memo. No. 110795/Ser.V(3)/2003-10, Dt. 14-9-2006.
- 7) From the Commissioner. Planning & Development of Godavari Basin, Hyderabad, Lr. No. C3/1943/03, Dt. 19-9-2006.
- 8) Govt. Memo. No. 110795/Ser. V(3)/2003-10, Dt. 1-3-2007.
- 9) From the Superintending Engineer, M & W Circle, Hyderabad,
Lr. No. Estt./EC.4/O.A.No. 4630/2003/810 H/1, Dt. 28-9-2007.

-X-X-X-

ORDER:-

Sri G. Subba Rao, Electrician and 5 others, who are working in P.W.D. Workshop, Seethanagaram, Guntur District have filed O.A. No. 4630/03 in the Hon'ble A.P.A.T. seeking direction to extend the pay scales of Rs. 1010 - 1800 of 1986 and the corresponding pay scales which were fixed in 1993 and 1998 to the applicants pending disposal of the above O.A. The Hon'ble A.P.A.T. in its judgment dt. 16-12-2004 has passed orders as follows:-

“Having gone through the judgment of the Tribunal, the Tribunal has convinced that the facts and circumstances of this case are identical to that of O.A. No. 1363/1996 and batch in which the Tribunal passed orders on 4-2-2003.

Following the judgment of the Tribunal in O.A. No. 1363/98 and batch, this O.A. is disposed of directing the respondents to consider the cases of the applicants for giving scale of pay on par with similarly situated persons working in other departments other than Irrigation Department from the date of filing of O.A. and notional

benefits up to the date of filing the O.A. if the applicants are covered as Government employees in terms of G.O. Ms. No. 130, dt. 18-3-1981.

2. In the reference 3rd read above, the Commissioner for Employment & Training, Hyderabad has informed that I.T.I. / DLTC / ITC certificates come under the control of the Directorate General of Employment and Training, New Delhi and Commissioner of Employment and Training, A.P. Hyderabad and these qualifications are equivalent to I.T.I. and the ITS and JTS are not equal to I.T.I.

(P

TO)

// 2 //

3. In the reference 5th read above, the Commissioner for Planning & Development of Godavari Basin, Hyderabad has stated that out of 6 applicants, Sri K. Venkateswara Rao (Sl. No. 2 in O.A. No. 4630/03) is having false certificates as intimated by the Director of Technical Education, Madras and necessary speaking orders were issued to him duly intimating that he is not eligible for the scale of Rs 1010 - 1800, as he is not fully qualified ITI candidate. The Commissioner has clarified that the following five applicants possess genuine certificates and they were treated as I.T.I. qualified.

1. Sri G. Subba Rao, Electrician.
2. Ch. Shivaji Fitter,
3. Sri S. Hymohana Rao, Mechanic (Retd.)
4. Sri Y. Seshagiri, Welder (Retd.)
5. Sri B. Siva Sankara Rao, Welder.

4. In the reference 7th read above, the Commissioner, Planning & Development of Godavari Basin, Hyderabad has reported that the Financial implication is nearly Rs. 3.00 lakhs in this case, if the judgment is implemented.

5. In the reference 9th read above, the Superintending Engineer, M & W Circle, Hyderabad has stated that the applicants in O.A. No. 4630/2003 have filed for extending the benefits on par with the applicants in O.A. No. 1363/98. The applicants in above O.A. belongs to P.W.D. Workshops Stores, Hyderabad and the benefits were issued in G.O. Rt. No. 551, Irrigation & C.A.D. (Ser. V) Department, Dated 8-8-2004. The scale of pay was Rs. 1010 - 1800. The notional benefits are to be issued from the date of issue of G.O. Ms. No. 288, F & P. Dt. 17-11-1986 w.e.f. 1-7-1986 (R.P.S. 1986). Monetary benefits are to be issued w.e.f 6-12-2004, on which date the O.A. 4630/2003 was disposed off by the A.P.A.T. Hyderabad. In G.O. Ms. .No. 130, Irrigation & Power. (Ser. V) Department Dt. 18-3-1981, the Government have extended the benefits to the Work Charged Employees those who have completed 10 years of total service will be regarded as Government servants w.e.f. 20-3-1979 or such subsequent date as and when they completed ten years of total service and who are in superior service they have to retire at the age of 58 years and if they are inferior, they have to retire at the age of 60 years. The applicants in O.A. No. 4630/03 have completed 10 years of

service in that particular cadre. All the applicants in O.A. No. 4630/03 have opted for G.O 130, Dated 18-3-1981. The judgment delivered by Hon'ble A.P.A.T. Hyderabad in O.A. No. 1363/98 and its batch dt. 4-2-2003 the court has observed as follows:-

"The contention of the Government is that there is a change in the recruitment method in case of W.C. employees and other employees but in R.P.S. 1986, the only distinction that is sought to be made is persons who are unqualified should be given the scale of 780 - 1275 whereas for qualified persons, the scale of 1010-1800 should be given. That being the case, the change in the method of recruitment scales into in significance. It can not be said that the pay revision commissioner is ignorant of all these aspects which are mentioned by the Government. The only distinction that is sought to be made is between the qualified and unqualified persons any other defense or argument for denying the scale to the applicants cannot be upheld. The Tribunal is of the opinion that when the applicants are qualified to get the scale of pay which is being enjoyed by the employee of other departments and denied to the applicant who are the employees of Irrigation Department, the action of the Departments in denying such scale of pay to the applicant's cannot be upheld by the Tribunal. Accordingly, the respondents are directed to consider the cases of the applicants for giving the scale of pay on par with similarly situated persons working in the other Departments other than Irrigation Departments means (1) R & B (2) Excise Department (3) Factories & Boilers Department (4) Horticulture Department (5) Medial & Health Department

(Contd.

P. 3)

// 3 //

(6) Insurance & Medical Service department (7) Prisons Department (8) Port Department (9) Fisheries Department and monetary benefits be given from the date of filing O.A. and notional benefits up to the date of filing of the O.A."

6. After careful examination of the mater, Government hereby direct the Commissioner, Planning & Development of Godavari Basin, Hyderabad to extend the scale of Rs. 1010 - 1800 to the following applicants for possessing genuine I.T.I. Certificates in terms of G.O.. Ms. No. 288, Finance Department, Dt 22-11-1986 as per orders of Hon'ble A.P.A.T. dt. 16-12-2004 in O.A. No. 4630/2003:-

- (1) Sri D. Subba Rao, Electrician
- (2) Sri Ch. Shivaji, Fitter,
- (3) Sri Hymohana Rao, Mechanic (Retd.),
- (4) Sri Y. Seshagiri Rao, Welder, (Retd.) and
- (5) Sri B. Siva Sankara Rao, Welder.

6. The Commissioner, Planning & Development of Godavari Basin, Hyderabad shall take necessary action accordingly.

7. This order issues with the concurrence of Finance (PC. I) Department vide their U.O. No. 17221/203/A1/PC. I/08, Dt. 20-6-2008.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH).

S. P. TUCKER
PRINCIPAL SECRETARY TO

GOVERNMENT.

To
The Commissioner for Planning & Development of Godavari
Basin,

Jalsoudha, Errammanzil, Hyderabad
Copy to: The Superintending Engineer, M & W Circle,
Red Hills, Hyderabad.
Stock File.

// FORWARDED :: BY ORDER //

OFFICER.

SECTION